



Image

RCE 1/645

Approved for use through 07/31/2006. OMB 0651-0031
U. S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
SUBSTITUTE for PTO/SB/30 (08-03), REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/070,780
Filing Date	March 7, 2002
First Named Inventor	El-Sherbeini
Group Art Unit	1645
Examiner Name	V. Portner
Attorney Docket Number	20519P

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 C.F.R. § 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. **Submission required under 37 C.F.R. § 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Return Receipt Postcard (itemized)
- v. ☐ Other _____
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____
3. **Fees**
- ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. **13-2755**
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. § 1.136 and 1.17)
- iii. ☐ Other _____

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Michael D. Yablonsky	Registration No.	40,407
Signature		Date	4/15/04

NOTE: SEND TO MAIL STOP RCE

CERTIFICATE OF MAILING OR FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)	KathyAnn Krajcik		
Signature		Date	4/15/04



FEE TRANSMITTAL

Patent fees are subject to annual revision.

Complete if Known

Application Number	10/070,780
Filing Date	March 7, 2002
First Named Inventor	E.-Sherbeini
Examiner Name	V. Protner
Group Art Unit	1645
Attorney Docket Number	20519P

TOTAL AMOUNT OF PAYMENT

\$770

METHOD OF PAYMENT

☒ Deposit Account

Deposit Account
Number

13-2755

Deposit Account
Name

Merck & Co., Inc.

The Director is authorized to:

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	770	Utility filing fee	
1002	340	Design filing fee	
1004	770	Reissue filing fee	
1005	160	Provisional filing fee	
SUBTOTAL(1)			\$0

2. EXTRA CLAIM FEES

	Extra	Fee from below	Fee Paid
Total Claims	20	0	0
Independent Claims	3	0	0
Multiple Dependent Claims		\$290	

**or number previously paid, if greater; For Reissues, see below

Large Fee Code	Entity Fee (\$)	Fee Description
1202	18	Claims in excess of 20
1201	86	Independent claims in excess of 3
1203	290	Multiple dependent claim, if not paid
1204	86	**Reissue independent claims over original patent
1205	18	**Reissue claims in excess of 20 and over original patent

SUBTOTAL(2)

\$0

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Fee Description	Fee Paid
1051	130	Surcharge - late filing fee or oath	
1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1251	110	Extension for reply within first month	
1252	420	Extension for reply within second month	
1253	950	Extension for reply within third month	
1254	1,480	Extension for reply within fourth month	
1255	2,010	Extension for reply within fifth month	
1401	330	Notice of Appeal	
1402	330	Filing a brief in support of an appeal	
1403	290	Request for oral hearing	
1452	110	Petition to revive - unavoidable	
1453	1,330	Petition to revive - unintentional	
1501	1,330	Utility issue fee (or reissue)	
1502	480	Design issue fee	
1460	130	Petitions to the Commissioner	
1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	Submission of Information Disclosure Statement	
8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	Request for Continued Examination (RCE)	770
Other fee (specify)			
Other fee (specify)			
SUBTOTAL(3)			\$770

SUBMITTED BY

Typed or Printed
Name

Michael D. Yablonsky

Signature

Date

04/15/2004

Complete (if applicable)

Reg. Number 40,407

Deposit
Account
User ID

IN DUPLICATE

Application Number: 10/070,780
Filing Date: 03/07/2002
First Named Inventor: E.-Sherbeini
Group Art Unit: 1645
Examiner Name: V. Protner
Attorney Docket Number: 20519P

FIRST CLASS MAIL CERTIFICATE

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450, ON THE DATE APPEARING BELOW.

MERCK & CO., INC.

MAILED BY

Kathy Kraybill

DATE

4/15/04



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	El-Sherbeini et al.	
Serial No.:	10/070,780 - Case No.: 20519P	Art Unit: 1645
Filed:	March 7, 2002	
For:	MURC GENE AND ENZYME OF <i>PSEUDOMONAS AERUGINOSA</i>	Examiner: Portner

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

This is in response to the Office Action dated January 15, 2004. A Request for Continued Examination is filed herewith. No Extension of Time is believed to be necessary for the filing of this response or the RCE. However, Applicant Petitions for any Extension of Time found to be necessary. The Commissioner is authorized to charge Deposit Account 13-2755 for the Petition fee and any other fee(s) required to effect this Petition.

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
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ADDRESSED TO: ASSISTANT COMMISSIONER FOR
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APPEARING BELOW.

MERCK & CO., INC.

BY: Kathy Krug DATE: 4/15/04